

REMARKS/ARGUMENTS

Upon entry of this Amendment, which amends claims 1-3, 8, 18, 28, and 35, and cancels claims 34 and 36, claims 1-33 and 35 will be pending. In the Office Action, the disclosure was objected to because of informalities; claims 2-5 were objected to because of informalities; claims 11-14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention; claims 1-2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LeBizay et al. (U.S. Patent No. 5,602,841, hereinafter "LeBizay") in view of Lo et al. (U.S. Patent No. 6,785,236, hereinafter "Lo"); claims 3-5 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LeBizay in view of Lo and further in view of Patrick (U.S. Patent Application No. 2005/0175014); claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over LeBizay in view of Lo and further in view of Fishman et al. (U.S. Patent No. 6,084,869, hereinafter "Fishman"); claims 8-9, 15, 18-19, 25, 28, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park (U.S. Patent No. 6,430,187) in view of Lo; claims 10-11 and 20-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Lo and further in view of Yoshikawa et al. (U.S. Patent No. 6,532,234, hereinafter "Yoshikawa"); claims 12 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Lo and further in view of Fishman; and claims 13-14, 16-17, 23-24, 26-27, 29, and 31-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Lo and further in view of Patrick. Claims 7 and 35-36 were also objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants respectfully request reconsideration of the claims in view of the amendments above and the remarks below.

Allowable Subject Matter

Applicants respectfully thank the Examiner for the indication of allowable subject matter for claims 7 and 35-36. Applicants have incorporated claim 36 into claim 1 and claim 1 into claim 35 in order to allow these claims to be allowable.

Specification Objections

The disclosure was objected to because of informalities. In response, Applicants have provided the application serial numbers in place of docket numbers.

Claim Objections

Claims 2-5 were objected to because of informalities. Applicants have amended these claims and submit they are in correct form.

Section 112 Rejections

Claims 11-14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the rejection states that claim 11 recites the limitation "the shared buffer space" and there is no antecedent basis. In response, Applicants have amended claim 11 to recite "a shared buffer space". Applicants submit that claim 11 now fully complies with Section 112.

Claim Rejections

Claims 8-17

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Lo. Applicants respectfully traverse the rejection. The rejection states that filling a portion of a fixed buffer allocation space and filling a portion of a prioritized fair share buffer space is disclosed or suggested at col. 1, lines 40-45 of Park. This section refers to the process of converting a frame to a group of cells that is known as segmentation and in the reverse, the process is known as reassembly. See *Park*, col. 1, lines 37-38. The segmentation buffers are provided to temporarily store cells that have been created from the received frames. See *Park*, lines 42-44. As described in Park, frames are variable length data units and cells are fixed length units. Thus, Park is disclosing breaking up frames into cells and storing the cells in buffers. Nowhere is it disclosed or suggested in Park that a fixed buffer allocation space and a prioritized

fair share buffer space is filled with traffic of a particular network connection. A segmented buffer does not disclose or suggest the above.

Further, Park and Lo, either alone or in combination, fail to disclose or suggest every element of claim 8, as amended. For example, Park and Lo, fail to disclose or suggest wherein the prioritized fair share buffer space is associated with a second discard scheme that is different from a first discard scheme and wherein discarding a portion of the lowest priority traffic of the particular network connection is based on the first discard scheme or the second discount scheme, where the scheme is determined based on a fixed buffer allocation queue identification or a prioritized fair share queue identification that is associated with the lowest priority traffic.

Park discloses discarding lower priority traffic. *See Park*, col. 1, lines 57-58. Lo discloses dequeuing a higher priority queue before a low priority queue. *See Lo*, col. 5, lines 1-17. However, Park and Lo do not disclose or suggest a first discard scheme and a second discard scheme where the first discard scheme is different from the second discard scheme. Further, as claimed, the first discard scheme is associated with the fixed buffer allocation space and the second discard scheme is associated with the prioritized fair share buffer space as claimed. At least a second discard scheme is not disclosed or suggested.. Accordingly, Park and Lo, either alone or in combination, do not disclose or suggest a first discard scheme and a second discard scheme.

Claims 9-17 depend from claim 8 and thus derive patentability at least therefrom.

Claims 18-33

Applicants submit claims 18 and 28 should be allowable for at least a similar rationale as discuss with respect to claim 8. Claims 19-27 and 29-33 depend from claim 18 and 28, respectively, and thus derive patentability at least therefrom. Accordingly, Applicants respectfully request withdrawal of the rejections.

Appl. No. 10/035,791
Amdt. dated December 2, 2005
Reply to Office Action of September 2, 2005

PATENT


CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Dated: 12/2/05


Brian N. Young
Reg. No. 48,602

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
BNY:fcf
60620590 v1